

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE VASO ACTIVE PHARMACEUTICALS
SECURITIES LITIGATION

:
:
: Consolidated Case No.: 04-10708
: (RCL)
:
:

**MOTION OF THE MERTURI GROUP FOR CONSOLIDATION, APPOINTMENT OF
LEAD PLAINTIFF, AND APPROVAL OF THE MERTURI GROUP'S SELECTION OF
LEAD COUNSEL AND LIAISON COUNSEL**

Luz Merturi, Brenda Reinemund on behalf of Glen Reinemund, Derek Bauer, Maria Pia Hellrigl, and Hector Tarazona (collectively, the "Merturi Group" or "Movants"), by their counsel, hereby move this Court for an Order: (i) consolidating the above-captioned actions; (ii) appointing the Merturi Group as Lead Plaintiff pursuant to the Private Securities Litigation Reform Act of 1995 (the "PSLRA"); and (iii) approving the Merturi Group's selection of Milberg Weiss Bershad & Schulman LLP as Lead Counsel, and Moulton & Gans, P.C. as Liaison Counsel of the actions, pursuant to the PSLRA. In support of this Motion, Movants submit herewith a Memorandum of Law, a Declaration, and a [Proposed] Order.

REQUEST FOR ORAL ARGUMENT

Movants respectfully request oral argument on this motion.

DATED: June 7, 2004
Boston, Massachusetts

Respectfully submitted:

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans
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Proposed Liaison Counsel

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Attorneys for Plaintiff

RULE 7.1A(2) CERTIFICATE

I, Nancy Freeman Gans, proposed Liaison Counsel, hereby certify that on June 3, 2004, I notified Colleen Dunham Henschke, Esquire, Wilmer, Cutler, Pickering, Hale and Dorr, LLP, counsel for defendants Vaso Active Pharmaceuticals, Inc., and John J. Masiz, and Kay Lee, Esquire, Greenberg Traurig, LLP, counsel for defendant Stephen G. Carter, of the filing of the above Motion Of The Merturi Group For Consolidation, Appointment Of Lead Plaintiff, And Approval Of The Merturi Group's Selection Of Lead Counsel And Liaison Counsel. The filing of the motion is required by statute.

/s/ Nancy Freeman Gans
Nancy Freeman Gans

CERTIFICATE OF SERVICE

I, Sharon M. Lee, hereby certify that a true copy of the above document was served upon the attorney of record for each party by mailing a copy of same, postage prepaid, on June 7, 2004.

/s/ Sharon M. Lee
Sharon M. Lee